

REMARKS

Applicant has carefully reviewed the application in light of the December 30, 2005 Office Action. To clarify the presently claimed concepts, Applicant has amended claims 1, 14, 17, and 33. Applicant submits, however, that these amendments have not narrowed the scope of these claims. For the reasons provided below, Applicant asserts that the currently pending claims are patentably distinct over the cited patents. Applicant therefore respectfully requests favorable action for this case.

§ 103 Rejections

The Examiner rejects claims 1-56 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,623 issued to Kolls ("Kolls") in view of U.S. Patent No. 6,714,559 issued to Meier ("Meier"). Applicant respectfully submits that the fails to teach each and every limitation.

For example, claim 1 recites:

A system for wireless communication within a retail refueling environment, comprising:

an in-store controller at a retail refueling facility adapted to process at least one message relating to a retail refueling environment;

an in-store controller communication module at the retail refueling facility, connected to the in-store controller, comprising at least one of a wireless transmitter and a wireless receiver and operable to receive and wirelessly transmit the at least one message to at least one client module;

the at least one client module at the retail refueling facility connected to at least one service device, comprising at least one of a wireless transmitter and a wireless receiver for wirelessly communicating with the in-store controller, and operable to automatically configure the at least one service device for interfacing the in-store controller with the at least one service device, the at least one service device comprising a third-party device and operable to provide services to the retail refueling environment in response to the at least one message; and

a wireless communication link within the retail refueling facility adapted to communicate the at least one message between the at least one of a wireless transmitter and a wireless receiver in the communication module and the at least one of a wireless transmitter and a wireless receiver in the at least one client module.

The combination of *Kolls* and *Meier* fails to teach or suggest each and every limitation of the claimed invention. To establish obviousness, the proposed combination must teach or suggest every limitation of the claimed invention, M.P.E.P. § 706.02(j). Thus, the Examiner has failed to establish obviousness.

For example, claim 1 recites, in part, “an in-store controller communication module at the retail refueling facility, connected to the in-store controller, comprising at least one of a wireless transmitter and a wireless receiver and operable to receive and wirelessly transmit the at least one message to at least one client module.” The Examiner asserts that the POS system 614 in *Kolls* teaches the in-store controller and a combination of the server 632 and the wireless communication means 558 teaches the in-store controller communication module, Office Action dated August 15, 2006, Page 2-3. As recited in claim 1, the in-store controller communication module is “connected to the in-store controller ... and [is] operable to receive and wirelessly transmit the at least one message to at least one client module.” Applicant submits that *Kolls* merely teaches that the POS system 614 and the server 632 communicate through the First LAN 622, not that the POS system 614 and the server 632 are connected. Figure 5A. In addition, *Kolls* fails to teach that the server 632 includes a system 500, i.e., that the server 632 includes the wireless communication means 558. *Id.* “The identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*). Clearly, the elements offered by the Examiner are not arranged as required by the claim. As for the client module, the Examiner offers the PC 630B and asserts that the server 632 wirelessly communicates with the PC 630B using the wireless communication means 558. Office Action, Page 3. As discussed above, *Kolls* fails to teach that server 632 includes the wireless communication means 558 and, thus, fails to teach that the server 632 is operable to wirelessly communicate with the PC 630. In fact, the server 632 and the PC 630B communicate through the First LAN 622, the Second LAN 626, and the concentrator 608. Figure 5A and 5B. Therefore, a combination of the server

632 and the wireless communication means 558 fails to teach or suggest the in-store controller communication module.

In addition, independent claim 1 recites, "the at least one client module at the retail refueling facility connected to at least one service device, comprising at least one of a wireless transmitter and a wireless receiver for wirelessly communicating with the in-store controller, and operable to automatically configure the at least one service device for interfacing the in-store controller with the at least one service device, the at least one service device comprising a third-party device and operable to provide services to the retail refueling environment in response to the at least one message." More particularly, claim 1 recites, "the at least one client module at the retail refueling facility connected to at least one service device." For the teaching of the at least one service module, the Examiner offers the laptop print station 646, and as discussed above, the Examiner offers the PC630B for the client module. Office Action, Page 3. However, *Kolls* fails to teach or suggest that the PC630B is connected to the laptop print station 646. In fact, *Kolls* merely teaches that the PC630B communicates with the laptop print station 646 through the Second LAN 626 and the concentrator 608. Figure 5B.

Also, claim 1 recites that the client module is "operable to automatically configure the at least one service device for interfacing the in-store controller with the at least one service device." For the teaching of this limitation, the Examiner asserts that *Kolls* teaches a self-configuring routine. Office Action, Page 4. However, the Examiner fails to indicate how the disclosed routine teaches that the PC 630B automatically configures the laptop print station 646 for interfacing the POS system 614 with the laptop print station 646. In fact, the self-configuring routine 1000 is merely a process for assigning network addresses, so *Kolls* fails to teach or suggest that the PC630B configures the laptop print station 646 to interface with the POS 614. In fact, the server 632 transmits a polling signal over the LANs to identify new network addresses or devices that need network addresses. Col. 30, lines 16-18. For example, the server 632 may poll the laptop print station 646 to determine if an IP address has been preprogrammed or needs to be assigned to the laptop print station 646. In any case, *Kolls* fails to teach or suggest

that the PC 630B is included in the self-configuring routine. Therefore, the PC 630B fails to teach or suggest the client module.

In yet another example, claim 1 recites, in part, “a wireless communication link within the retail refueling facility adapted to communicate the at least one message between the at least one of a wireless transmitter and a wireless receiver in the communication module and the at least one of a wireless transmitter and a wireless receiver in the at least one client module.” For the teaching of the wireless link, the Examiner offers the wireless transceivers 606A and 606B disclosed in *Kolls*. Office Action, Page 3. However, the disclosed transceivers 606A and 606B are merely for transmitting wireless communications between the First LAN 622 and the Second LAN 626. Figure 5B. Indeed, *Kolls* merely teaches that the server 632, which is offered as the communication module, communicates with the wireless transceiver 606A through the first LAN 622, and the PC 630B, which is offered as the client module, communicates with the wireless transceiver 606B through concentrator 608 and the second LAN 626. Therefore, *Kolls* fails to teach or suggest a wireless link between the server 632 and the PC 630B.

Independent Claims 14, 17, 33, and 47 recite limitations that are similar, although not identical, to the limitation of Claim 1 discussed above. Therefore, these claims are allowable for reasons analogous to those discussed above in connection with Claim 1. Claims 15-16, 18-32, 34-46, and 48-56 each depend from one of independent Claim 14, 17, 33, and 47 and are thus also patentable over the cited art.

The Office Action rejects Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56 under 35 U.S.C. § 103(a) as being unpatentable over *Kolls* in view of *Meier* and further in view of U.S. Patent No. 6,574,603 (“*Dickson*”). Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56 are allowable at least because each depends from one of independent Claims 1, 14, 17, 33, and 47 which have been shown above to be allowable. Furthermore, the Office Action fails to cite a teaching or suggestion in *Dickson* of the missing limitations. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56.

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CONCLUSION

In view of the above, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

No additional fees are believed to be due. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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